

1 of the circuit court and shall be dealt with as a juvenile
2 delinquent according to law.

3 (c) In addition to any other penalty imposed for a
4 violation of this subsection, if a person uses a driver's
5 license or identification card issued by the Department of
6 Highway Safety and Motor Vehicles in violation of this
7 subsection, the court:

8 1. May order the person to participate in public
9 service or a community work project for a period not to exceed
10 40 hours; and

11 2. Shall direct the Department of Highway Safety and
12 Motor Vehicles to withhold issuance of, or suspend or revoke,
13 the person's driver's license or driving privilege, as
14 provided in s. 322.056.

15 Section 2. Paragraph (a) of subsection (2) of section
16 562.45, Florida Statutes, is amended to read:

17 562.45 Penalties for violating Beverage Law; local
18 ordinances; prohibiting regulation of certain activities or
19 business transactions; requiring nondiscriminatory treatment;
20 providing exceptions.--

21 (2)(a) Nothing contained in the Beverage Law shall be
22 construed to affect or impair the power or right of any county
23 or incorporated municipality of the state to enact ordinances
24 regulating the hours of business and location of place of
25 business, and prescribing sanitary regulations therefor, of
26 any licensee under the Beverage Law within the county or
27 corporate limits of such municipality. However, except for
28 premises licensed on or before July 1, 1999, a location for
29 on-premises consumption of alcoholic beverages may not be
30 located within 500 feet of the real property that comprises a
31 public or private elementary school, middle school, or

1 secondary school unless the county or municipality approves
2 the location as promoting the public health, safety, and
3 general welfare of the community under proceedings as provided
4 in s. 125.66(4), for counties, and s. 166.041(3)(c), for
5 municipalities.The division may not issue a change in the
6 series of a license or approve a change of a licensee's
7 location unless the licensee provides documentation of proper
8 zoning from the appropriate county or municipal zoning
9 authorities.

10 Section 3. Subsection (2) of section 569.11, Florida
11 Statutes, is amended to read:

12 569.11 Possession, misrepresenting age or military
13 service to purchase, and purchase of tobacco products by
14 persons under 18 years of age prohibited; penalties;
15 jurisdiction; disposition of fines.--

16 (2) It is unlawful for any person under 18 years of
17 age to misrepresent his or her age or military service for the
18 purpose of inducing a dealer or an agent or employee of the
19 dealer to sell, give, barter, furnish, or deliver any tobacco
20 product, or to purchase, or attempt to purchase,any tobacco
21 product from a person or a vending machine. Any person under
22 18 years of age who violates a provision of this subsection
23 commits a noncriminal violation as provided in s. 775.08(3),
24 punishable by:

25 (a) For a first violation, 16 hours of community
26 service or, instead of community service, a \$25 fine and, in
27 addition, the person must attend a school-approved
28 anti-tobacco program, if available;

29 (b) For a second violation within 12 weeks of the
30 first violation, a \$25 fine; or

31

1 (c) For a third or subsequent violation within 12
2 weeks of the first violation, the court must direct the
3 Department of Highway Safety and Motor Vehicles to withhold
4 issuance of or suspend or revoke the person's driver's license
5 or driving privilege, as provided in s. 322.056.

6
7 Any second or subsequent violation not within the 12-week time
8 period after the first violation is punishable as provided for
9 a first violation.

10 Section 4. This act shall take effect July 1, 1999.

11
12 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
13 COMMITTEE SUBSTITUTE FOR
14 Senate Bill 156

15 Requires a local government which creates an exception to the
16 prohibition against on-premises consumption of alcoholic
17 beverages within 500 feet of a school to adopt the exception
following the enactment procedures for the adoption of zoning
ordinances by counties and municipalities.

18 Creates a second degree misdemeanor for a person under 21
19 years of age to purchase or attempt to purchase alcoholic
beverages.

20 Creates a noncriminal infraction for a person under 18 years
21 of age to attempt to purchase any tobacco product from a
person or a vending machine.